

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

DOUGLAS SHARRON PIGGEE,

Plaintiff,

v.

**Civil Action No. 2:07cv8
(Judge Maxwell)**

**C. OLINGER, S.I.A. ANTONELLI,
L. ODDO, LT. TRATE AND FOSTER,**

Defendants.

**ORDER DENYING REQUEST TO WAIVE PARTIAL FEE AND
DIRECTING THE PLAINTIFF TO PAY THE PARTIAL FEE IN 20 DAYS**

The *pro se* plaintiff initiated this case on June 29, 2007, by filing a civil rights complaint, a Motion to Proceed as a Pauper and an executed Consent to Collection of Fees form. On June 27, 2007, the plaintiff filed his Prisoner Trust Account Report ("PTAR"). On June 29, 2007, the undersigned granted the plaintiff's motion to proceed as a pauper and directed the plaintiff to pay an initial partial filing fee of \$22.31.

On August 8, 2007, the plaintiff filed a response to the Court's Order in which he argued that the initial partial filing fee is beyond his means. The undersigned recognized that there was conflicting information in the plaintiff's financial affidavit and the information provided by the Bureau of Prisons in the PTAR. Therefore, the Court directed the plaintiff to file a copy of the ledger sheets to his inmate account for the six months preceding the filing of this action. The plaintiff was advised that the failure to do so would result in his request to waive the fee being denied.

Upon a review of the file on this date, the plaintiff has failed to file the requested forms and has not requested additional time to do so. Accordingly, the plaintiff's request to waive the initial partial filing fee is **DENIED**. The plaintiff has **twenty (20) days** from the date of this Order to pay the initial partial filing fee. The failure to do so will result in a recommendation that this case be

dismissed for the failure to prosecute.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* plaintiff.

DATED: October 31, 2007.

/s *John S. Kaull*

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE